



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner:
Estes et al.	)	Annette R. Reimers
	)	
Application Serial No. 10/650,494	)	Group Art Unit 3733
	)	
Filed August 28, 2003	)	Ref. No. MSDI-479/
	)	PC457.06
	)	
LATERALLY EXPANDING	)	May 15, 2007
INTERVERTEBRAL FUSION DEVICE	)	

**SUPPLEMENTAL RESPONSE TO NON-FINAL OFFICE ACTION**  
**IN RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated September 13, 2006 and the Notice of Non-Compliant Amendment dated May 7, 2007 (one-month to respond), please enter the following amendments and consider the following remarks. No extensions of time are believed to be due. However, should any additional fees be due, please charge any such fees to Deposit Account No. 12-2424, but not to include payment of issue fees.

Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
May 15, 2007	
_____ Date of Deposit	
Brad A. Schepers	
_____ Name of Registered Representative	
_____ Signature	
May 15, 2007	
_____ Date of Signature	

### **INTRODUCTORY COMMENTS**

A Notice of Non-Compliant Amendment was mailed to the Applicant on May 7, 2007 indicating that the previously filed Response to Non-final Office Action did not include a proper status identifier for claim 81. The Applicant is submitting this supplemental response to address this informality. Accordingly, reconsideration and allowance of the subject application are hereby requested.